

BY-LAWS OF LEXINGTON HEIGHTS, INC.

Lexington Heights, Inc., a summer resort owners' Corporation, incorporated under the provisions of Act 137 of the Public Acts of the State of Michigan for 1929, being C.L. 1929, Sections 10363 to 10382, inclusive, of the Compiled Laws of the State of Michigan for 1929, being Michigan Statutes Annotated 21.751 to 21.770 and also being 1979 Compiled Laws, sections numbered 455.201 to 455.220, inclusive, and all acts amending thereto, being an association of owners of lots in Great Lakes No.3 Subdivision described as follows:

All property within the territory known as Lexington Heights, Worth Township, Sanilac County, Michigan, point of beginning section corner common to Section 12 and 13, Town 9 North, Range 16 East and 7 and 18, Town 9 North, Range 17 East, comprising Great Lakes Beach 2 and 3 and part of Great Lakes Beach I; all property lying north of centerline of Mill Creek as platted and Lots 2165 through 5078 inclusive; according to plat thereof as recorded in Liber 3, Pages 12, 13 and 14 of Plats, Sanilac County Records. has amended and restated the By-Laws of Lexington Heights, Inc. on September 2, 2001, effective October 6, 2001. These by-laws, as amended, state as follows:

ARTICLE I - Name

The name of the non-profit Corporation shall be Lexington Heights, Inc.

ARTICLE II - Purpose

The purpose of the organization shall be:

Section 1.

To perform or provide any service or function permitted under the enabling Act No. 137 including, but not limited to, for the betterment of the welfare of said community and for the purchase and improvement of lands to be occupied for summer homes and summer resort purposes.

Section 2.

To regulate and control all activities on property owned or entrusted to Lexington Heights, Inc.

Section 3.

By and through its Board of Trustees, to exercise any and all power, grant, privilege, immunity and control, as shall be necessary to fulfill the above-described duties of all and any amendments made thereto from time to time.

Section 4.

To provide for the institution of a request in the change of by-laws or the additions thereto by general or special meetings and to provide for referendum on matters necessary to be voted on by the residents of said Corporation.

Section 5.

To provide and enforce an orderly method for the care, control

and destruction of all garbage and litter as specified in the contract and to provide for the collection thereof and the cost of said collection.

ARTICLE III - Authority

The authority to transact the business of the Corporation shall be vested in a nine member Board of Trustees, which shall include four officers.

ARTICLE IV - Membership

Section 1.

As reaffirmed in the Special Election of September 3, 1983, all property owners within the corporate limits are and shall be members of the Corporation known as Lexington Heights, Inc. and shall be governed by its by-laws.

Section 2.

Membership includes all owners of recorded residential, commercial and vacant lots.

ARTICLE V - Officers

The officers of Lexington Heights, Inc. shall be President, Vice President, Secretary, and Treasurer.

ARTICLE VI - Powers and Duties of Officers

Section 1.

The President. The President shall be the chief executive officer of the Corporation. The President shall preside at all meetings of the "Board of Trustees and at all regular and special meetings of the membership. The President shall have general supervision of the Corporation and shall see that all officers of the Corporation perform their duties and that all laws and by-laws are fully enforced.

The President shall report annually to the membership all activities, efforts and transactions conducted on their behalf. The President shall routinely report to the Board of Trustees the exercise of any executive authority.

The President shall have the authority to appoint committees.

Section 2.

The Vice President. The Vice President shall assist the President. If for any reason the President is unable to perform his/her duties, the Vice President shall act in his or her stead and perform the duties of the presidency.

Section 3.

1. The Secretary. The Secretary of the Corporation shall keep complete and detailed minutes of all general and special meetings of the membership and all meetings of the Board of Trustees.
2. The Secretary shall provide at the general meetings a

report of actions taken by the Board of Trustees.

3. The Secretary shall be responsible for the permanent files and records of the Corporation and shall maintain them in a businesslike manner.
4. The Secretary shall take care of all necessary correspondence.
5. The Secretary shall submit the Spring Newsletter to the Treasurer forty-five (45) days prior to the due date of dues.

Section 4. The Treasurer.

1. The Treasurer shall collect all monies of the Corporation and shall be required to give an accounting thereof and shall collect, hold and disburse according to the Michigan Law covering treasurers of townships.
2. The Treasurer shall account at the Annual Meeting of the Corporation for all funds received and expenditures made.
3. The Treasurer's books shall be reviewed annually.
4. The Treasurer shall be bonded for the amount of \$250,000 to guarantee the safety of all monies received by him or her and to properly fulfill all duties legally coming within the Treasurer's jurisdiction. Fees incidental to the bonding shall be the liability of the Corporation.
5. The Treasurer or his or her appointed representative shall send the yearly dues statement to members 30 days or more prior to the due date.

Section 5.

The President, Secretary and Treasurer will receive an honorarium determined by vote at a general meeting of the membership.

ARTICLE VII. Board of Trustees

Section 1.

The Board of Trustees shall consist of 9 members having 2 year terms, 5 members shall be elected in 2005 and odd numbered years thereafter. Four members shall be elected in 2006 and in even numbered years thereafter.

Immediately following the Election of Trustees, the Trustees so chosen shall elect a President, Vice President, Secretary, and Treasurer from their members, who shall hold their office for 1 year and until their successors shall be elected and qualified.

Section 2.

To enforce all the rules and regulations of the summer resort of Lexington Heights, Inc. To conduct the business of the Corporation as provided in Section 10 of Public Act 137 of 1929.

Section 3.

In case of death, resignation, termination or dismissal, a successor shall be named by a majority vote of the members of the Board of Trustees present and shall become a member of the Board of Trustees and shall hold office until the next annual election at which time the vacancy for the remainder of the term shall be filled.

Section 4.

Two consecutive unexcused absences from board meetings or 3 unexcused absences within a year by any member of the Board of Trustees shall result in the termination of such member's . tenure of office.

An absence is excused if (1) the member notifies the President or the Secretary at least 2 days before a scheduled Board meeting of his or her reason for non-attendance at such meeting; or (2) if the Board of Trustees determines that there is a justifiable cause.

Section 5.

A hearing of the full Board of Trustees for the dismissal of a member of the Board of Trustees for just cause shall be conducted at a regular meeting of the Board of Trustees.

Section 6.

Members of the Board of Trustees shall be reimbursed for verifiable expenses, including mileage incurred on behalf of the Corporation.

Section 7.

Every Trustee and officer of the Corporation shall be indemnified by the Corporation against all expenses and liabilities, including counsel fees, reasonably incurred by or imposed upon him or her in connection with any proceeding to which he or she may be a party or in which he or she may become involved by reason of his or her being or having been a Trustee or officer of the Corporation, whether or not he or she is a Trustee or officer at the time such expenses are incurred, except in such cases wherein the Trustee or officer is adjudged guilty of willful or wanton misconduct or gross negligence in the performance of his or her duties; provided that, in the event of any claim for reimbursement or indemnification hereunder based upon a settlement by the Trustee or officer seeking such reimbursement or indemnification, the indemnification herein shall apply only if the Board of Trustees (with the Trustee seeking reimbursement abstaining) approves such settlement and reimbursement as being in the best interest of the Corporation. The foregoing right of indemnification shall be in addition to and not exclusive of all other rights to which such Trustee or officer may be entitled. At least 10 days prior to payment of any indemnification which it has approved, the Board of Trustees shall notify all owners thereof. Further, the Board of Trustees is authorized to carry officers' and Trustees'

liability insurance covering acts of the officers and Trustees of the Corporation in such amounts as it shall deem appropriate.

ARTICLE VIII - Meetings

Section 1.

General. The Board of Trustees shall schedule the Corporation's Annual Meeting between June 1st and August 1st of each year at a time fixed by the Board of Trustees. The Board of Trustees shall schedule a General Meeting of the membership between August 15th and September 15th at a time to be determined by the Board of Trustees.

Section 2.

Special. Special meetings of the membership may be called by the presentation to the Board of Trustees of a petition signed by at least 40 members of the Corporation or by the Board of Trustees. The membership must be notified at least 15 days prior to the meeting.

Section 3.

Members present at a meeting of the general membership shall constitute a quorum for the conduct of business. A majority shall consist of more than 50% of the quorum.

Section 4.

In order to vote on any question submitted at the general meetings or special meetings of the general membership, the voters shall own property in said Corporation. No owner shall be entitled to vote on any issue raised at a general or special membership meeting unless such owner is not delinquent in the payment of any dues or special assessment levied against their property as defined in Article X, Section 2.

Section 5.

The Board of Trustees shall usually meet twice a month from May through September.

Section 6.

Special meetings of the Board of Trustees may be called by the President or Vice President in the President's absence or by 4 of its members. The Secretary shall notify all members of the Board of Trustees of the Special Meeting as to the time, place and subject of the Special Meeting at least 72 hours prior to that meeting.

Section 7.

Two-thirds of the members of the Board of Trustees shall constitute a quorum for the transaction of business.

Section 8.

Between October 1 and April 30, Trustees shall have the right to take any action in the absence of a meeting which they can take at a meeting by obtaining a written approval of a majority of the Trustees.

ARTICLE IX - Nominations and Elections

Section 1.

Annual nominations for the Board of Trustees shall be held at the Annual Meeting of the general membership on the 1st Saturday in the month of July.

Section 2.

No person may be nominated for an office unless present at the meeting or a written consent has been presented to the Secretary.

Section 3.

The President shall appoint 3 members of the Corporation to the Election Committee of whom one shall be a member of the Board of Trustees to serve as Chairman. The Chairman may

appoint 2 or more additional persons to serve on Election Day.

Section 4.

The annual election for positions to be vacated or for filling of vacancies created by resignation, death, termination or dismissal shall be held on the 4th Saturday of July.

Section 5.

Notice of the election shall be published in a local newspaper by the Chairman of the Election Committee prior to the election and shall list the nominees and questions to be voted upon.

Section 6.

No owner shall be entitled to vote for any nominee for the Board of Trustees unless such owner is not delinquent in the payment of any dues or special assessment levied against their property as defined in Article X, Section 2.

Section 7.

Where 2 or more persons shall own property, each shall have a vote on all questions submitted. A majority of the votes cast on any question shall be necessary in any election to determine the matter submitted to the members.

Section 8.

The nominee for each position having the highest number of votes shall be declared elected.

ARTICLE X - Dues, Fees and Assessments

Section 1.

All membership dues and fees established by the Board of Trustees and voted upon by the general membership, which are levied on residential, commercial or vacant property, shall be due by the first day of July each year. Dues paid after July 1st will be subject to a 10% collection fee plus a finance charge of 1% per month. Any unit in a multi-family building constructed after January 1, 2005, shall be assessed individually for dues and fees.

Section 2.

All annual dues or special assessments including interest, collection fees and enforcement of costs levied against any owner by the Board of Trustees not paid within 30 days of the due date shall become a lien upon the property of the delinquent owner. The Corporation may enforce collection of delinquent dues and assessments by a suit of law for a money judgment or by foreclosure of the statutory lien that secures payment of assessments.

Each owner shall be deemed to have granted to Lexington Heights, Inc. the unqualified right to elect to foreclose the statutory lien and secure payment of assessments, either by judicial action or by advertisement. The provisions of Michigan law pertaining to foreclosure of mortgages by judicial action and by advertisement, as the same may be amended from time to time, are incorporated herein by reference for the purposes of establishing alternative procedures to be followed in lien foreclosure actions and the right and obligation of the parties to such actions. Lexington Heights, Inc. may not commence proceedings to foreclose a lien for unpaid dues or special assessments without recording and serving a Notice of Lien in the following manner:

A)The Notice of Lien shall set forth the legal descriptions of the premises to which the lien attaches, the name of the owner of record thereof, the amount due to Lexington Heights, Inc. as of the date of the notice.

B)The Notice of Lien shall be in recordable form and executed by an authorized representative of Lexington Heights, Inc. The Notice of Lien shall be recorded in the office of the Sanilac County Register of Deeds. and shall be served upon the delinquent owner by first class mail, postage prepaid addressed to the last known address of the owner at least 10 days in advance of the commencement of the foreclosure proceeding.

C)In the event that court action becomes necessary in order to collect dues or special assessments, all costs of such action, including court costs and actual attorney fees shall be included in a judgment and become part of said lien. The

Corporation may also discontinue the furnishing of waste pickup or any other services to an owner in default upon 7 days written notice to such owner of its intention to do so.

ARTICLE XI - Expenditures

Section 1.

All expenditures of the Corporation funds shall be governed by the Board of Trustees.

Section 2.

The President shall have the authority to expend up to \$500 for emergencies. However, the President must obtain the approval of the Board of Trustees for such emergency expenditures within 2 weeks thereof.

ARTICLE XII -General

Section 1.

The fiscal year of the Corporation shall be the calendar year.

Section 2.

Robert's Rules of Order, Revised, shall be the parliamentary authority of the Corporation.

Section 3.

All checks and other instruments required to be signed by or for the Corporation shall be signed by such officers of the Corporation as the Board of Trustees may from time to time designate by resolution or as required by the statute under which Lexington Heights, Inc. is incorporated.

Section 4.

All by-laws, so established by the Corporation, shall take effect 10 days after passage and each of said by-laws shall be posted conspicuously in 3 public places within the jurisdictional area of this corporation at least 5 days before the time of effectiveness and proof of such posting shall be made by an officer of the Corporation and entered on the records of said Corporation.

Section 5.

These by-laws, rules and regulations shall be caused to be printed by the Secretary of said corporation and one copy, without charge, shall be made available to each registered household. A copy of these by-laws, rules and regulations and any amendments thereto shall be attached to the inside front wall of the Corporation's clubhouse.

Section 6.

Severability of Provisions. Should any section or provision of these by-laws be declared invalid, such declaration shall not affect the validity of the remaining portions of the said by-laws and rules and regulations.

Section 7.

These by-laws may be amended by majority vote of members at a general or special meeting.

Section 8.

A violation by any owner, occupant or guest of any of the provisions of the Corporation By-Laws, including any duly adopted rules and regulations, shall be grounds for assessment by the Corporation, acting through the Board of Trustees, of monetary fines against the involved owner. The owner shall be deemed responsible for such violations where they occur as a result of his or her personal actions or the actions of his or her family, guests, tenants or any other person admitted through the owner to Lexington Heights. Upon any such violation being alleged by the Board, the Board will notify the owner by first class mail or personal service of the factual nature of the alleged offense. The offending owner shall have an opportunity to appear before the Board at its next regularly scheduled meeting and offer evidence of a

defense. Failure to respond to the notice of violation constitutes a default. The Board shall determine by majority vote whether a violation has occurred. Upon the finding of a violation or upon the default of the owner, fines shall be levied in amounts set from time to time by the Board of Trustees. Any fines levied shall be assessed against the owner and shall be due and payable together with regular dues on the first of the next following month. Unpaid fines shall be collected in the same manner as delinquent dues and special assessments.

RULES AND REGULATIONS

ANIMALS

Section 1.

No animals are allowed on the beach except from sunrise to 8:30 a.m. or after 8:00 p.m. for the purpose of water exercise with the owner responsible for any necessary cleanup. No animals are allowed to roam at-large. All animals must be licensed as required by the county and state health departments. All animals must be leashed even if accompanied by owner or guardian.

Section 2.

No poultry or livestock are allowed within the corporate limits of Lexington Heights, Inc. as per ordinance of the Worth Township Zoning Board.

Section 3.

Anyone walking a dog within the corporate limits of Lexington Heights, Inc. is required to carry a means by which any droppings left by said dog may be removed.

BUILDINGS

Section 1.

The Corporation reserves the right to review any building permit or plans on any new construction or additions.

Section 2.

All new construction or additions must be approved by the Worth Township Board and must meet all building, safety and health codes established by the State of Michigan, County of Sanilac and Worth Township. .

Section 3.

Approved "For Sale" and "For Rent" signs may be erected on the combination of lots that contain the main building and not more than one to such combination of lots. "For Rent" signs cannot exceed two (2) square feet.

CLUBHOUSE

Section 1.

Fees, reservation dates, rules and regulations for usage of the clubhouse by members of the Corporation will be determined by the Board of Trustees and shall be posted on the clubhouse wall.

FIRES, FIREARMS AND FIREWORKS

Section 1.

All fires are controlled by the Worth Township Ordinance, which is posted on the clubhouse wall.

Section 2.

No person shall discharge any firearm, spring gun, air gun, slingshot, bow and arrow or other device capable of or designed to discharge any shot, pellet, or missile likely to inflict bodily injury, except when lawfully acting in the defense of persons or property or the enforcement of law or at a duly established range, the operation of which has been approved.

Section 3.

No fireworks shall be exploded on property of said Corporation except by some person lawfully authorized by the Board of Trustees and with a state permit.

GARBAGE AND RUBBISH

Section 1.

All garbage and rubbish must be contained in appropriate containers and shall not be placed for pick-up prior to twenty-four (24) hours of said pick-up unless in containers with secured lids.

Section 2.

No dumping of materials over the bluffs is allowed without the written permission of the Board of Trustees.

Section 3.

Garbage containers can not be left on the beach overnight.

MISCELLANEOUS

Section 1.

The Weed Ordinance of October 26, 1981, by Worth Township shall govern the cutting of weeds, brush and trees within corporate boundaries of Lexington Heights, Inc. as posted on the clubhouse wall.

Section 2.

No person shall trim, cut or dislodge any shrubs or trees from the parks or bluffs within the Corporate limits of Lexington Heights, Inc. without the written permission of the Board of Trustees.

Section 3.

No person shall use the boat ramp unless the fee, as set by the Board of Trustees, has been paid to the designated representative.

Section 4.

All public buildings now owned by Lexington Heights, Inc. and any other building built with corporate funds shall be under the supervision and control of the Board of Trustees.

Section 5.

All buildings, temporary structures, movable dwellings and recreational vehicles shall be controlled by the Worth

Township Zoning Ordinance, which is posted on the clubhouse wall.

Section 6.

No tents may be placed on the Lexington Heights, Inc. beaches between the hours of 7:00 PM and 7:00 AM

Section 7.

Camping on any Lexington Heights, Inc. property is prohibited at any time.

SELLING AND SOLICITATION

Section 1.

No person shall solicit from door to door for charity within the limits of Lexington Heights, Inc. without first having received a written permit from the Board of Trustees, and it must be carried on his/her person at the time of solicitation.

Section 2.

The practice of going in and upon private property within the corporate limits by solicitors, peddlers, hawkers, itinerant merchants or the seller of services, or for the purpose of

soliciting orders for the sale of goods, wares, merchandise or services, or the peddling or hawking of the same is herein prohibited and declared to be a public nuisance.

Section 3.

The Board of Trustees may issue permits and an annual determined fee for transient vendors.

Section 4.

Yard Sale Ordinance 83-1, Worth Township, shall govern the selling of merchandise by our residents.

SWIMMING POOLS

Section 1.

All swimming pools must be constructed to meet all safety and health regulations of the State of Michigan, County of Sanilac and Worth Township Zoning Laws.

Section 2.

Swimming pools must be protected when not in use during times of absence from the main residence as to deter any unfortunate incident.

TRAFFIC

Section 1.

All motorized vehicles shall travel the roads at speeds not greater than those specified by the State Highway Code or posted speeds.

Section 2.

No motorized vehicles are allowed on the beach at any time except those required to perform necessary construction work or those required to assist in an emergency situation.

Section 3.

Motorists shall yield the right of way to all adult and child pedestrians on the right of way.

The aforesaid By-Laws, Rules and Regulations, as amended, were adopted by the Lexington Heights, Inc. general membership on the 2nd day of September, 2001, at the General Meeting of said membership to be effective ten (10) days thereafter.

Amendments were made on August 30th 2008 and approved by the General Membership, to be effective ten (10) days thereafter

PROOF OF POSTING

The attached By-Laws, Rules and Regulations, as amended, were adopted on September 2, 2001, and posted in the following conspicuous places within the limits of Lexington Heights, Inc. Amendments were made on August 30th 2008

1. Lexington Heights' Clubhouse
2. Lexington Heights' Pine Street Message Center
3. Lakeshore Market

A copy of the attached By-Laws, Rules and Regulations has been filed with the Clerk of the County of Sanilac, Liber No. 583, page No. 628

Dated: September 2, 2001

Brooks Solterman

Secretary Lexington Heights Board of Trustees

Reprinted: September 4, 2004, July 2006 and 2009

Eugene G. Komaromi

Secretary